

ARTICLE I. IN GENERAL*

*Editor's note: P.C. Ord. No. 94-14, adopted June 22, 1994, amended Art. I, §§ 14-1--14-3, to read as herein set out. Former Art. I, §§ 14-1--14-3 pertained to similar subject matter and derived from an ordinance of 11-14-73 and P.C. Ord. No. 9-88, adopted August 24, 1988.

Sec. 14-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Asbestos containing material. Any material or product which contains more than one (1) per cent by weight asbestos.

Ash. The fly ash or bottom ash residual waste material produced from incineration or burning of solid waste or from any fuel combustion.

Bottom ash. Ash or slag remaining in a combustion unit after combustion.

City. The City of Harrisonburg.

Contaminated soil. For the purposes of this chapter, a soil that, as a result of a release of human usage, has absorbed physical, chemical, or radiological substances at concentrations above those consistent with nearby undisturbed soil or natural earth materials.

County. Rockingham County.

Department. The Rockingham County Department of Public Works.

Director. The Director of the Department of Public Works.

Discarded material. A material which is abandoned by being disposed of, burned or incinerated, or accumulated, stored or treated (but not used, reused, or reclaimed) before or in lieu of being abandoned by being disposed of, burned or incinerated.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

Fly ash. Ash particulate collected from air pollution attenuation devices on combustion units.

Free liquids. Liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

Garbage. Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste. A "hazardous waste" as described by the Virginia Hazardous Waste Regulations (VW 672-10-1), whether or not excluded from those regulations as a hazardous waste.

Ignitable waste. (a) Liquids having a flash point of less than 140° F (60° C) as determined by the methods specified in Part III of the Virginia Hazardous Waste Management Regulations; (b) Non-liquids liable to cause fires through friction, absorption of moisture, spontaneous chemical change or retained heat from manufacturing or liable, when ignited, to burn so vigorously and persistently as to create a hazard; (c) Ignitable compressed gases; and/or oxidizers.

Industrial waste. Any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste.

Infectious waste. Solid wastes defined to be infectious by the Infectious Waste Management Regulations (VR 672-40-01) as promulgated by the Virginia Waste Management Board.

Institutional waste. All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste.

Junk. Scrap discard material and ferrous or non-ferrous metals including, but not limited to, dismantled, wrecked or junk vehicles, farm machinery, or parts thereof.

Lead acid battery. For the purposes of these regulations, any wet cell battery.

Permit. Commonwealth of Virginia issued solid waste management permit which authorizes the holder of such permit to operate a solid waste management facility.

PCB. Any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain such substance (see § 761.3, part 761, Title 40, Code of Federal Regulations).

Person. An individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

Refuse. All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, junk, residues from clean up of spills or contamination, or other discarded materials.

Resource recovery system. A solid waste management system which provides for collection, separation, use, reuse, or reclamation of solid wastes, recovery of energy and disposal of non-recoverable waste residues.

Rubbish. Combustible or slowly putrescible discarded materials which include, but are not limited to, trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage".

Satellite solid waste disposal facility. Facilities located in the county for the collection of solid waste to be transported to the county sanitary landfill.

Sanitary landfill. An engineered land burial facility for the disposal of household waste which is so located, designed, constructed and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes in accordance with its solid waste management permit.

Sludge. Any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of treated effluent from a wastewater treatment plant.

Solid waste. Discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from any type of activity. For purposes of this chapter, a material is not a solid waste if it is regulated by state or federal statutes or regulations concerning air or water pollution control, or if it is not a regulated solid waste under the Virginia Solid Waste Management Regulations (VR 672-20-10).

Solid waste hauler. Any person engaged in removing or transporting the solid waste of another for compensation.

Solid waste disposal facility. A solid waste management facility designed for the disposal or incineration of solid waste.

Solid waste management facility. A site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

White goods. Any stoves, washers, hot water heaters, other large appliances.

(P.C. Ord. No. 94-14, 6-22-94)

Sec. 14-2. Improper disposal of refuse prohibited.

- (a) Generally. It shall be unlawful for any person to throw, place, deposit or allow to accumulate on or in any highways, streets, rights-of-way, rivers, streams, stream beds, parks or public property or private premises any refuse or any matter or substance or thing calculated to render such location unclean, unsightly, unsafe to any person using such location or liable to injuriously affect the health of the community.
- (b) Arrest. When any person is arrested for violations of this section and the matter alleged to have been dumped or disposed of on or in a highway, street, right-of-way, river, stream, stream bed, park or public property or private premises has been ejected from a motor vehicle or boat, the arresting officer may comply with the provisions of Section 46.2-936 of the Code of Virginia, 1950, as amended, in making such arrest.
- (c) Presumption of guilt as to owner of motor vehicle or boat. When a violation of this section has been observed by any person and the refuse has been disposed of from a motor vehicle or boat, the owner or operator of such motor vehicle or boat shall be presumed to be the person disposing of such matter, provided, the presumption shall be rebuttable by competent evidence.

(P.C. Ord. No. 94-14, 6-22-94)

Sec. 14-3. Accumulation of refuse on premises in open view.

- (a) Generally. It shall be unlawful for any person to allow any refuse to be, remain or accumulate on premises owned by such person, except when the refuse is in a building or enclosure which hides the refuse from view or is in conformity with Chapter 5 or with Article V of Chapter 11.
- (b) Abatement of violation. Any person violating the provisions of this section shall, within fifteen (15) days after receiving notice of the violation, bring the premises into conformance with subsection (a) of this section.
- (c) Notice of violation. The notice provided for in subsection (b) of this section shall be by letter stating the manner in which this section is being violated, the description and location of the premises, the name of the owner of the premises, and the period of time within which the premises shall be cleared of the violation. The letter shall be signed by the zoning administrator on behalf of the county and shall be served upon the owner by an officer of the county sheriff's department, or sent to the owner by certified mail.

(P.C. Ord. No. 94-14, 6-22-94)